

Article - Natural Resources

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§8-712.2.

(a) (1) Except as otherwise provided in paragraphs (3), (4), and (5) of this subsection, a person born on or after July 1, 1972 may not operate on the waters of the State a vessel for pleasure that is required to be numbered in accordance with this subtitle or a vessel for pleasure that is required to be numbered in accordance with the Federal Boat Safety Act of 1971 without first obtaining a certificate of boating safety education.

(2) A person who is subject to the provisions of paragraph (1) of this subsection shall:

(i) Possess the certificate of boating safety education when operating a vessel on waters of the State; and

(ii) Show the certificate on the demand of a Natural Resources police officer or other law enforcement officer.

(3) The following persons are exempt from the requirements of this section:

(i) A person who is operating a vessel in connection with commercial purposes;

(ii) A person who is a resident of another state and who is visiting the State for 60 days or less in a vessel that is numbered in another state if:

1. The person is 16 years old or older; or

2. The person has been issued a boating safety certificate in accordance with the provisions of subsection (c)(6) of this section;

(iii) A person who is visiting the State for 90 days or less in a vessel from a country other than the United States;

(iv) A person operating a vessel on a body of water located on private property; and

(v) Any other person exempted by regulation of the Department.

(4) When a vessel numbered in accordance with this subtitle or in accordance with the Federal Boat Safety Act of 1971 is operated for pleasure on waters of the State, at least 1 person on the vessel must:

- (i) Possess the certificate of boating safety education; or
- (ii) Be exempt from the certification requirements of paragraph (1) of this subsection.

(5) A person who is under the age of 16 and who operates a vessel numbered in accordance with this subtitle or in accordance with the Federal Boat Safety Act of 1971 must:

- (i) Possess a certificate of boating safety education;
- (ii)
 - 1. If operating a vessel under 11 feet in length, be under the supervision of a person who has obtained a certificate of boating safety education and is aboard the vessel; or
 - 2. If operating a vessel 11 feet in length or greater, be under the supervision of a person who is 18 years or older and has obtained a certificate of boating safety education and is aboard the vessel; or
- (iii) Be under the supervision of a person who was born before July 1, 1972 and is aboard the vessel.

(b) (1) The Department shall:

- (i) Adopt regulations that establish criteria for a course of instruction in boating safety education;
- (ii) Administer a verbal test when appropriate;
- (iii) Coordinate a statewide program of boating safety instruction and certification and ensure that a course of boating safety education is available within each county; and
- (iv) Ensure that a course of boating safety education is available at the earliest practicable age for children in boating communities.

(2) Any course of boating safety education that is offered through a public school is not required to be more than 6 classes, or exceed a total of 8 hours.

(3) The following persons may offer the course of instruction in boating safety education if approved by the Department:

- (i) The Department;
- (ii) The U.S. Coast Guard Auxiliary;
- (iii) The U.S. Power Squadron;
- (iv) A political subdivision;
- (v) A municipal corporation;
- (vi) An agency;
- (vii) A public or nonpublic school;
- (viii) A group;
- (ix) A firm;
- (x) An association; or
- (xi) Any other person.

(c) (1) The Department or the Department's designee shall issue a certificate of boating safety education to a person who:

(i) Passes the course prescribed by the Department in boating safety education; or

(ii) Passes a boating safety equivalency examination administered by persons authorized to offer the course on boating safety education.

(2) Upon request, the Department shall provide, without charge, boating safety education materials to persons who plan to take the boating safety equivalency examination.

(3) (i) Once issued, the certificate of boating safety education:

1. Is valid for the lifetime of the person to whom the certificate was issued; and

2. May not be revoked by the Department or a court of law.

(ii) The Department shall replace, without charge, a lost or destroyed certificate if the Department issued the certificate or has a record that the certificate was issued by the U.S. Coast Guard or the U.S. Power Squadron.

(4) (i) The Department or the Department's designee may issue a 30-day temporary certificate of boating safety education to a person who signs an affidavit stating that the person has read and understood the boating safety education materials provided by the Department.

(ii) The 30-day temporary certificate of boating safety education issued in accordance with subparagraph (i) of this paragraph may be renewed for 1 additional 30-day period.

(5) In lieu of a certificate of boating safety education issued by the Department, a license issued by the U.S. Coast Guard, or a boating safety certificate issued by a unit of the U.S. Coast Guard Auxiliary, the U.S. Power Squadron, or a local board of education, is sufficient to comply with the requirements of this section.

(6) In lieu of a certificate of boating safety education issued by the Department, a boating safety certificate issued in another state in accordance with criteria of the National Association of State Boating Law Administrators is sufficient to comply with the requirements of this section.

(d) On or after July 1, 1988 a person who is subject to the provisions of subsection (a)(1) of this section and who operates on waters of the State a vessel for pleasure that is required to be numbered in accordance with this subtitle or a vessel for pleasure that is required to be numbered in accordance with the Federal Boat Safety Act of 1971, in violation of any requirement of this section, is guilty of a misdemeanor and on conviction is subject to:

(1) For a first offense, a fine not exceeding \$25; and

(2) For any subsequent offense that occurs within 2 years of a prior conviction under this section, a fine not exceeding \$500.

(e) A juvenile charged with any violation under this section shall be charged as provided in Title 3, Subtitle 8A of the Courts Article.

(f) (1) A Natural Resources police officer or other law enforcement officer may enforce the provisions of this section only as a secondary action when the

officer detains an operator of a vessel for a suspected violation of another provision of the Code or regulations adopted in accordance with another provision of the Code.

(2) A person may be cited but not apprehended solely for a violation of this section.

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